

SECOND REGULAR SESSION

SENATE BILL NO. 1201

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIZZO.

5268S.03I

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 547, RSMo, by adding thereto one new section relating to post conviction release.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 547, RSMo, is amended by adding thereto
2 one new section, to be known as section 547.380, to read as
3 follows:

547.380. 1. A person in the custody of, or under the
2 supervision of, the state of Missouri may raise, and a court
3 may decide, a freestanding claim of actual innocence in any
4 postconviction action or proceeding challenging the validity
5 of the judgment.

6 2. The court shall vacate or set aside the judgment
7 where the court finds there is clear and convincing evidence
8 that undermines confidence in the judgment. In considering
9 the claim, the court shall take into consideration
10 information and evidence not presented to the original trier
11 of fact; the evidence presented at the original trial or
12 plea; and any evidence presented at any direct appeal or
13 post-conviction proceedings, including state or federal
14 habeas actions.

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